

Senate File 326 - Reprinted

SENATE FILE 326
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1010)

(As Amended and Passed by the Senate March 10, 2011)

A BILL FOR

1 An Act relating to the appointment of judicial officers and
2 senior judges.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 602.2301 **Judicial officer**
2 **appointment — delay.**

3 1. Notwithstanding section 46.12, the chief justice
4 may order the state commissioner of elections to delay, for
5 budgetary reasons, the sending of a notification to the proper
6 judicial nominating commission that a vacancy in the supreme
7 court, court of appeals, or district court has occurred or will
8 occur.

9 2. Notwithstanding sections 602.6304, 602.7103B, and
10 633.20B, the chief justice may order any county magistrate
11 appointing commission to delay, for budgetary reasons,
12 publicizing the notice of a vacancy for a district associate
13 judgeship, associate juvenile judgeship, or associate probate
14 judgeship.

15 3. Notwithstanding section 602.6403, subsection 3, if a
16 magistrate position is vacant due to a death, resignation,
17 retirement, an increase in the number of positions authorized,
18 or to the removal of a magistrate, the chief justice may order
19 any county magistrate appointing commission to delay, for
20 budgetary reasons, the appointment of a magistrate to serve the
21 remainder of an unexpired term.

22 4. Any delay authorized by the chief justice pursuant to
23 this section shall not exceed one year in duration, and not
24 more than eight delays authorized by the chief justice shall
25 be in effect at any one time.

26 Sec. 2. NEW SECTION. 602.6113 **Apportionment of certain**
27 **judicial officers — substantial disparity.**

28 Notwithstanding section 602.6201, 602.6301, 602.6304,
29 602.7103B, or 633.20B, if a vacancy occurs in the office of a
30 district judge, district associate judge, associate juvenile
31 judge, or associate probate judge, and the chief justice of
32 the supreme court makes a finding that a substantial disparity
33 exists in the allocation of such judgeships and judicial
34 workload between judicial election districts, the chief
35 justice may apportion the vacant office from the judicial

1 election district where the vacancy occurs to another judicial
2 election district based upon the substantial disparity finding.
3 However, such a judgeship shall not be apportioned pursuant
4 to this section unless a majority of the judicial council
5 approves the apportionment. This section does not apply to a
6 district associate judge office authorized by section 602.6302
7 or 602.6307.

8 Sec. 3. Section 602.6305, subsections 2 and 3, Code 2011,
9 are amended to read as follows:

10 2. A person does not qualify for appointment to the office
11 of district associate judge unless the person is at the time of
12 appointment a resident of the ~~county~~ judicial election district
13 in which the vacancy exists, licensed to practice law in Iowa,
14 and will be able, measured by the person's age at the time of
15 appointment, to complete the initial term of office prior to
16 reaching age seventy-two. An applicant for district associate
17 judge shall file a certified application form, to be provided
18 by the supreme court, with the chairperson of the county
19 magistrate appointing commission.

20 3. A district associate judge must be a resident of ~~a county~~
21 the judicial election district in which the office is held
22 during the entire term of office. A district associate judge
23 shall serve within the judicial district in which appointed,
24 as directed by the chief judge, and is subject to reassignment
25 under section 602.6108.

26 Sec. 4. Section 602.6404, subsection 1, Code 2011, is
27 amended to read as follows:

28 1. A magistrate shall be a resident of the county of
29 appointment or a resident of a county contiguous to the county
30 of appointment during the magistrate's term of office. A
31 magistrate shall serve within the judicial district in which
32 appointed, as directed by the chief judge, provided that the
33 chief judge may assign a magistrate to hold court outside of
34 the county of ~~the magistrate's residence~~ appointment for the
35 orderly administration of justice. A magistrate is subject to

1 reassignment under section 602.6108.

2 Sec. 5. Section 602.9203, subsection 1, Code 2011, is
3 amended to read as follows:

4 1. A supreme court judge, court of appeals judge, district
5 judge, district associate judge, full-time associate juvenile
6 judge, or full-time associate probate judge, who qualifies
7 under subsection 2 may become a senior judge by filing with
8 the clerk of the supreme court a written election in the form
9 specified by the ~~court administrator~~ supreme court. The
10 election shall be filed within six months of the date of
11 retirement.

12 Sec. 6. Section 602.9203, subsection 2, paragraph c, Code
13 2011, is amended to read as follows:

14 c. Agrees in writing on a form prescribed by the ~~court~~
15 ~~administrator~~ supreme court to be available as long as the
16 judicial officer is a senior judge to perform judicial duties
17 as assigned by the supreme court for an aggregate period of
18 thirteen weeks out of each successive twelve-month period.

19 Sec. 7. Section 602.9203, subsection 5, paragraph b, Code
20 2011, is amended to read as follows:

21 b. A senior judge may be reappointed to ~~an additional~~
22 ~~two-year~~ a one-year term upon attaining seventy-eight years of
23 age and to a succeeding one-year term, at the discretion of the
24 supreme court, if the judicial officer meets the requirements
25 of subsection 2.